

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

JOSE DEPAZ-LOPEZ

PLAINTIFF

v.

CIVIL ACTION NO. 5:15-CV-89-KS-MTP

**CORRECTIONS CORPORATION OF
AMERICA, ET AL.**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff Jose Depaz-Lopez's Motion for Extension to File Objections ("Motion for Extension") [58] and Objections to the Magistrate Judge's Report and Recommendation ("Objections") [59]. United States Magistrate Judge Michael T. Parker (the "Magistrate") entered his Report and Recommendation [55] in this matter on January 9, 2017, and Plaintiff was given notice that he had fourteen days to file any objections. This time expired on January 23, 2017. On February 15, 2017, twenty-four days after the expiration of the deadline to file objections, Plaintiff filed his Motion for Extension [58], arguing that events that occurred on February 1, 2017, prevented him from filing a timely objection and requesting an additional forty-five days to file. Given that Plaintiff has given the Court no reason why he was unable to file his objections prior to the January 23 deadline, the Court finds that his Motion for Extension [58] should be **denied**. Accordingly, his Objections [59] will be **overruled** as untimely filed and not properly before the Court.

Furthermore, having fully reviewed the Report and Recommendation [59] of the Magistrate, as well as the record in this matter, and being duly advised in the premises, the Court finds that said Report and Recommendation [55] should be adopted as the opinion of this Court. Plaintiff's claims for damages will be **dismissed with prejudice** for failure to state a claim, Defendants' Motion for Summary Judgment [48] will be **granted** and Plaintiff's claims for

injunctive relief will be **dismissed with prejudice**, and all state law claims will be **dismissed without prejudice** for lack of jurisdiction.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's Motion for Extension [58] is **denied**.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's Objections [59] are **overruled** as untimely and not properly before the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Report and Recommendation [59] is **adopted** as the opinion of the Court. Plaintiff's claims for damages are **dismissed with prejudice** for failure to state a claim. Defendants' Motion for Summary Judgment [48] is **granted** and Plaintiff's claims for injunctive relief are **dismissed with prejudice**. Plaintiff's state law claims are **dismissed without prejudice** for lack of jurisdiction. A separate judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED, on this, the 2nd day of March, 2017.

s/Keith Starrett
KEITH STARRETT
UNITED STATES DISTRICT JUDGE